



Rep. Maria Antonia Berrios

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09800HB4089ham001

LRB098 15647 RLC 56100 a

1 AMENDMENT TO HOUSE BILL 4089

2 AMENDMENT NO. _____. Amend House Bill 4089 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 3-6 as follows:

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination

1 thereof.

2 (2) In any other instance, within one year after the
3 discovery of the offense by an aggrieved person, or by a
4 person who has legal capacity to represent an aggrieved
5 person or has a legal duty to report the offense, and is
6 not himself or herself a party to the offense; or in the
7 absence of such discovery, within one year after the proper
8 prosecuting officer becomes aware of the offense. However,
9 in no such case is the period of limitation so extended
10 more than 3 years beyond the expiration of the period
11 otherwise applicable.

12 (b) A prosecution for any offense based upon misconduct in
13 office by a public officer or employee may be commenced within
14 one year after discovery of the offense by a person having a
15 legal duty to report such offense, or in the absence of such
16 discovery, within one year after the proper prosecuting officer
17 becomes aware of the offense. However, in no such case is the
18 period of limitation so extended more than 3 years beyond the
19 expiration of the period otherwise applicable.

20 (b-5) When the victim is under 18 years of age at the time
21 of the offense, a prosecution for involuntary servitude,
22 involuntary sexual servitude of a minor, or trafficking in
23 persons and related offenses under Section 10-9 of this Code
24 may be commenced within one year of the victim attaining the
25 age of 18 years. However, in no such case shall the time period
26 for prosecution expire sooner than 3 years after the commission

1 of the offense.

2 (c) (Blank).

3 (d) A prosecution for child pornography, aggravated child
4 pornography, indecent solicitation of a child, soliciting for a
5 juvenile prostitute, juvenile pimping, exploitation of a
6 child, or promoting juvenile prostitution except for keeping a
7 place of juvenile prostitution may be commenced within one year
8 of the victim attaining the age of 18 years. However, in no
9 such case shall the time period for prosecution expire sooner
10 than 3 years after the commission of the offense. When the
11 victim is under 18 years of age, a prosecution for criminal
12 sexual abuse may be commenced within one year of the victim
13 attaining the age of 18 years. However, in no such case shall
14 the time period for prosecution expire sooner than 3 years
15 after the commission of the offense.

16 (e) Except as otherwise provided in subdivisions (i) and
17 ~~subdivision~~ (j), a prosecution for any offense involving sexual
18 conduct or sexual penetration, as defined in Section 11-0.1 of
19 this Code, where the defendant was within a professional or
20 fiduciary relationship or a purported professional or
21 fiduciary relationship with the victim at the time of the
22 commission of the offense may be commenced within one year
23 after the discovery of the offense by the victim.

24 (f) A prosecution for any offense set forth in Section 44
25 of the "Environmental Protection Act", approved June 29, 1970,
26 as amended, may be commenced within 5 years after the discovery

1 of such an offense by a person or agency having the legal duty
2 to report the offense or in the absence of such discovery,
3 within 5 years after the proper prosecuting officer becomes
4 aware of the offense.

5 (f-5) A prosecution for any offense set forth in Section
6 16-30 of this Code may be commenced within 5 years after the
7 discovery of the offense by the victim of that offense.

8 (g) (Blank).

9 (h) (Blank).

10 (i) Except as otherwise provided in subdivision (j), a
11 prosecution for criminal sexual assault, aggravated criminal
12 sexual assault, or aggravated criminal sexual abuse may be
13 commenced at any time when corroborating physical evidence is
14 available. If corroborating physical evidence is not
15 available, a prosecution for criminal sexual assault,
16 aggravated criminal sexual assault, or aggravated criminal
17 sexual abuse, may be commenced within 20 years after the
18 commission of the offense ~~within 10 years of the commission of~~
19 ~~the offense if the victim reported the offense to law~~
20 ~~enforcement authorities within 3 years after the commission of~~
21 ~~the offense.~~

22 Nothing in this subdivision (i) shall be construed to
23 shorten a period within which a prosecution must be commenced
24 under any other provision of this Section.

25 (j) (1) When the victim is under 18 years of age at the
26 time of the offense, a prosecution for criminal sexual assault,

1 aggravated criminal sexual assault, predatory criminal sexual
2 assault of a child, aggravated criminal sexual abuse, or felony
3 criminal sexual abuse may be commenced at any time when
4 corroborating physical evidence is available or an individual
5 who is required to report an alleged or suspected commission of
6 any of these offenses under the Abused and Neglected Child
7 Reporting Act fails to do so.

8 (2) In circumstances other than as described in paragraph
9 (1) of this subsection (j), when the victim is under 18 years
10 of age at the time of the offense, a prosecution for criminal
11 sexual assault, aggravated criminal sexual assault, predatory
12 criminal sexual assault of a child, aggravated criminal sexual
13 abuse, or felony criminal sexual abuse, or a prosecution for
14 failure of a person who is required to report an alleged or
15 suspected commission of any of these offenses under the Abused
16 and Neglected Child Reporting Act may be commenced within 20
17 years after the child victim attains 18 years of age.

18 (3) When the victim is under 18 years of age at the time of
19 the offense, a prosecution for misdemeanor criminal sexual
20 abuse may be commenced within 10 years after the child victim
21 attains 18 years of age.

22 (4) Nothing in this subdivision (j) shall be construed to
23 shorten a period within which a prosecution must be commenced
24 under any other provision of this Section.

25 (k) A prosecution for theft involving real property
26 exceeding \$100,000 in value under Section 16-1, identity theft

1 under subsection (a) of Section 16-30, aggravated identity
2 theft under subsection (b) of Section 16-30, or any offense set
3 forth in Article 16H or Section 17-10.6 may be commenced within
4 7 years of the last act committed in furtherance of the crime.

5 (1) A prosecution for any offense set forth in Section 26-4
6 of this Code may be commenced within one year after the
7 discovery of the offense by the victim of that offense.

8 (Source: P.A. 97-597, eff. 1-1-12; 97-897, eff. 1-1-13; 98-293,
9 eff. 1-1-14; 98-379, eff. 1-1-14; revised 9-24-13.)".